THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23722 OF 2005

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Dated:07-11-2005

Between

Chirala Govardhan Reddy, S/o. C. Krishna Reddy, Occ: Ex-MLA, Bapatla Const., R/o. Yetravaripalem Village, Karlapalem Mandal, Guntur District.

...PETITIONER

AND

The Government of Andhra Pradesh, Represented by its Principal Secretary, Agriculture and Cooperation, Secretariat Building, Hyderabad and others.

...RESPONDENTS

ORDER:

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This writ petition is filed seeking a Writ of Mandamus to declare the order of the Government in G.O.Rt.No.1096 dated 24.10.2005 as illegal, arbitrary and consequently direct the respondents to conduct elections to the Chintayapalem Primary Agricultural Cooperative Society (PACS) forthwith from the stage where it was interdicted by the said G.O. and also direct the respondents to conduct elections to the District Cooperative Central Bank (DCCB), Guntur after the elections to the Chintayapalem PACS.

Insofar as the first limb of the prayer is concerned the writ petition has become infructuous as the Government itself by order in G.O.Rt.No.1166 Agriculture & Cooperation (COOP V)

(1) Department dated 03.11.2005 cancelling the earlier orders postponing the elections with immediate effect from 03.11.2005 and directing the Commissioner for Cooperation and Registrar of Cooperative Societies to take further action in the matter.

Learned Government Pleader for Cooperation submits that pursuant to the G.O.Rt.No.1166 dated 03.11.2005 elections to the Primary Agricultural Cooperative Societies are scheduled to be held on 08.11.2005.

Therefore, only the second relief sought in the writ petition survives which is to direct the respondents to conduct election to the said PACS before conducting elections to the DCCB, Guntur.

The election schedule to conduct elections to DCCBs is placed before this Court. As per the schedule the date of appointment of Election Officer is 08.11.2005, publication of the list of members eligible to vote is 12.11.2005, notification by the Election Officer is 13.11.2005 and the receipt and scrutiny of the nominations and publication of the list of the nominations received and valid nominations respectively is 14.11.2005 and withdrawal of the nominations and publication of the list of the valid nominations is 15.11.2005 and the date of poll to the Managing Committee is 17.11.2005.

Rule 22-D of the Andhra Pradesh Cooperative Societies Rules (for short 'the Rules'), 1964 deals with the election to the District
Co-operative Central Bank. Under Rule 22-C(1)(ii) of the Rules the Government or the Election authority may direct the postponement of elections if any natural calamity prevents the conduct of elections particularly, voters from participation in the election.
Under Rule 22-D (a) of the Rules the Election authority shall appoint the Election Officer not less than 4 days prior to the date of poll.

In the instant case the date of poll is 17.11.2005 and the date of preparation of eligible voters list is fixed as 12.11.2005. Therefore, if the elections are conducted on 08.11.2005 or 09.11.2005 there would be no hindrance for the elected President of the concerned PACS for his inclusion in the list of the eligible voters for conducting elections to the Managing

Committee of the DCCB.

Accordingly, the respondents are directed to conduct elections to the Chintayapalem PACS and consider the name of the elected President for inclusion in the eligible voter's list for conducting elections to the Managing Committee of DCCB, Guntur.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

November 7, 2005

DSK